REMARKS

The Examiner has noted that this application claims subject matter disclosed in Korean Patent Application No. 2000-75013, filed on December 1, 2000, but that, due to a typographical error, the Oath/Declaration shows that application as being filed on December 1, 2001. The Examiner has approved the earlier priority date but has requested that a new Oath/Declaration be filed with the USPTO. Accordingly, a substitute Declaration with the proper dates is attached.

Moreover, the Examiner has requested that the abstract be shortened so that it contains between 50 and 150 words. Accordingly, the abstract has been amended so that it contains 150 words.

Claims 1-10 are pending in this application. In the Office Action, the Examiner rejected the pending claims as follows: Claims 1-6 and 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,606,311 (Wang et al.) in view of U.S. Patent No. 6,317,418 (Raitola et al.). Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wang et al. and Raitola et al. and further in view of U.S. Patent No. 5,724,662 (Goldberg et al.).

Regarding Claim 1, the Examiner has objected to the use of the terms "having transmitted at least two C/I information" and "when at least two two [sic] C/I information are equal to each other." Accordingly, Claim 1 has been amended to overcome this objection.

Claim 6 has been amended to correct a typographical error.

Claims 1 and 6 are the independent claims pending in this application. In the Office Action, the combination of Wang et al. and Raitola et al. was cited as allegedly disclosing each of the recitations of the claims.

Regarding independent Claim 1, the Examiner states that Wang teaches "a method for selecting one of a plurality of mobiles by a BTS having a plurality of transmitters..." as recited in the Claim. It is respectfully submitted that the Examiner is incorrect. Wang discloses a method and system for supporting QoS parameters in a wireless telecommunication network. Wang further discloses that the "incoming packet data flow from QAS 206 is directed to a

particular LAC/MAC within BSC 207." (Column 4, Lines 52-54; and FIG. 4) Furthermore, Wang discloses in "this embodiment QAS is shown as being included in BSC 207." (Column 4, Lines 54-56; and FIG. 4) It is evident that the buffers belong to the QAS, which can be included in the BSC or located externally to it (so as to receive incoming packet data 202 which is received from an IP network, and are not part of a transmitter.

Furthermore, Wang does not teach or suggest a system comprising an initial buffer and a retransmission buffer and the method of "selecting a mobile station associated with a transmitter transmitting data having a high priority among the transmitters associated with at least two retransmission buffers, when the retransmission data is stored in at least the two retransmission buffers among the retransmission buffers of the plurality of transmitters," as is disclosed in Claim 1.

The Examiner acknowledged that Wang fails to disclose "the BTS providing a data service to the selected one of the mobiles based on C/I information from the mobiles..." (Office Action, bottom of page 3). The Examiner cited Raitola as curing this defect. The Examiner states that "Raitola teaches packet transmission in a wireless system...that uses ...buffer management for transmission/retransmission." (Office Action, top of page 4) Raitola discloses a method for transmitting packet switched data in a mobile communications system using an ARQ protocol. Moreover, Raitola discloses that a "subscriber terminal can control its reception buffer"...and that a "network part...can control its own buffer." (Column 11, Lines 16-20) Raitola does not teach or suggest the transmitters' transmission buffers and retransmission buffers as disclosed in Claim 1. Moreover, Raitola discloses that "[w]hen several transmitters use the same time slot, the data to be transmitted still passes through the channel, although the number of retransmissons increases." (Column 4, Lines 36-38) This is in contrast to the method which is taught in Claim 1 wherein "selecting a mobile station associated with a retransmission buffer having a longest data length among the retransmission buffers in the two transmitters" assures that only one transmitter will transmit at one time. Accordingly, it is believed that Claim 1 is not rendered obvious by the combination of Wang and Raitola.

Regarding independent Claim 6, the Examiner states that Wang et al. teaches "a method for selecting one of a plurality of mobiles by a BTS having a plurality of transmitters..."

as recited in Claim 6. It is respectfully submitted that the Examiner is incorrect. As discussed above, Wang teaches a method and system for supporting QoS parameters in a wireless telecommunication network. Wang does not teach or suggest "transmitters having a retransmission buffer for storing retransmission data and an initial transmission buffer for storing initial data, the plurality of transmitters being capable or providing a data service, [and] the base station providing a data service to the selected one of the mobile stations based on C/I (Carrier-to-Interference ratio) information from the mobile stations", as recited in Claim 6.

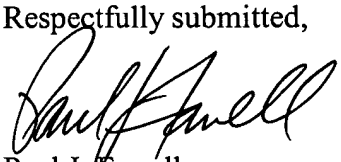
The Examiner acknowledged that Wang et al. fails to disclose "the BTS providing a data service to the selected one of the mobiles based on C/I information from the mobiles..." (Office Action, middle of page 6). The Examiner cited Raitola et al. as curing this defect.

As discussed above, Raitola et al. discloses a method for transmitting packet switched data in a mobile communications system using an ARQ protocol. Moreover, Raitola discloses that a "subscriber terminal can control its reception buffer"...and that a "network part...can control its own buffer." (Column 11, Lines 16-20) Raitola does not teach or suggest the transmitters' transmission buffers and retransmission buffers as disclosed in Claim 6. Moreover, Raitola et al. discloses that "[w]hen several transmitters use the same time slot, the data to be transmitted still passes through the channel, although the number of retransmissions increases." (Column 4, Lines 36-38). This is in contrast to the method which is taught in Claim 6 wherein "selecting by the base station a transmitter having a highest C/I received from the mobile stations among the transmitters other than transmitters having no data and transmitters whose response waiting time has not expired after transmitting data to the selected mobile station" assures that only one transmitter will transmit at one time. Accordingly, it is believed that Claim 6 is allowable.

Independent Claims 1 and 6 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-5 and 7-10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-5 and 7-10, is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-10, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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